

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Tiarra Brown,

Plaintiff,

vs.

Kilolo Kijakazi, Acting Commissioner
of the Social Security Administration,

Defendant.

Civil Action No. 2:21-1534-RMG

ORDER

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on July 8, 2022, recommending that the decision of the Commissioner be reversed and remanded to the agency because the decision of the Administrative Law Judge ("ALJ") failed to adequately support his finding that Plaintiff's lifetime condition of intellectual limitation was sufficiently remediated by an alteration in one of her medications and performance of part time work so that she no longer met the criteria of Listing 12.11. (Dkt. No. 16 at 13-17). The Commissioner has advised the Court she does not intend to file an objection to the R & R. (Dkt. No. 17).

The Court finds that the Magistrate Judge ably addressed the factual and legal issues in this appeal and correctly determined that the ALJ's decision failed to adequately explain his

finding of a remarkable change Plaintiff's mental functioning based on an alteration of one medication and the performance of part time work. The Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard M. Gergel
United States District Judge

July 13, 2022
Charleston, South Carolina